

(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RAMON A. JOYNER - PLAINTIFF -

V -

ANDRIAN HAREWOOD, MEDICAL ADMINISTRATOR,,
DAVID MAZUR, DOCTOR, INFECTIOUS DISEASE,,
CARIA COOPER, NURSE PRACTITIONER,,
DIANE KABUUKA, NURSE,,
JOHN DOE, X-RAY TECHNICIAN,,
JOHN DOE, X-RAY TECHNICIAN,,
MATTHEW WOFFARD, C.E.O. CONFECTIONARIES,,
DEFENDANTS.

Civ. Action No. _____
(To be assigned by Clerk's
Office)

COMPLAINT
(Pro Se Prisoner)

Jury Demand?

☐ Yes

☐ No

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the
space provided, please write "see attached" in the space
above and attach an additional sheet of paper with the full list
of names. The names listed in the above caption must be
identical to those contained in Section IV. Do not include
addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

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I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Check one:

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

II. PLAINTIFF INFORMATION

JOYNER A. RAMON

Name (Last, First, MI)

Aliases

00786081

Prisoner ID #

JAMES T. VAUGHN CORRECTIONAL CENTER

Place of Detention

1181 PADDOCK ROAD

Institutional Address

SMITHS DE 19977

County, City

State

Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

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IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: HAREWOOD ANDRIAN
 Name (Last, First)
MEDICAL ADMINISTRATOR
 Current Job Title
J.T.V.C.C. 1181 PADDOCK Rd
 Current Work Address
SMYRNA, DE 19977
 County, City State Zip Code

Defendant 2: MAZUR, DAVID
 Name (Last, First)
DOCTOR
 Current Job Title
J.T.V.C.C. 1181 PADDOCK Rd
 Current Work Address
SMYRNA, DE 19977
 County, City State Zip Code

DEFENDANT 3: COOPER, CARLA
 NAME (LAST, FIRST)
NURSE PRACTITIONER
J.T.V.C.C. 1181 PADDOCK Rd
SMYRNA, DE 19977

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Defendant(s) Continued

Defendant 4: KABUKA, DIANE

Name (Last, First)

NURSE

Current Job Title

J.T.V.C.C 1181 PADDOCK Rd.

Current Work Address

SMITHLAND, DE 19977

County, City

State

Zip Code

Defendant 5: DOE JOHN

Name (Last, First)

X-RAY TECHNICIAN

Current Job Title

J.T.V.C.C 1181 PADDOCK Rd

Current Work Address

SMITHLAND, DE 19977

County, City

State

Zip Code

DEFENDANT 6: JOHN DOE

X-RAY TECHNICIAN

H.R.V.C.I. 1301 E. 12TH STREET

WILM. DE 19809

DEFENDANT 7: WIDFORD MATTHEW

C.E.O. CONNECTIONS C.S.P. INC.

500 WEST 10TH ST.

WILM. DE 19801

V. STATEMENT OF CLAIM

PLACES OF OCCURRENCES: i. HOWARD R. YOUNG CORRECTIONAL INSTITUTION
ii. JAMES T. VAUGHAN CORRECTIONAL FACILITY

DATES OF OCCURRENCES: FEBRUARY 2015 - MARCH 2018 - Ongoing

STATE WHICH OF YOUR FEDERAL CONSTITUTIONAL AND/OR STATUTORY RIGHTS HAVE BEEN VIOLATED:

- i. DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEED - EIGHTH AMENDMENT
- ii. DUTY OWED OF A STANDARD OF CARE - FOURTEENTH AMENDMENT

FACTS: DESCRIBE HOW EACH DEFENDANT WAS INVOLVED AND WHAT INJURIES ARE, WHAT HAPPENED...

NOTE: PLAINTIFF IS A PRO SE PRISONER WITH NO KNOWLEDGE OF LAW. I HAVE OBTAINED ASSISTANCE FROM ANOTHER INMATE IN BRANDING MYSELF AND I WILL PRESENT CASE AS BEST I CAN.

1. I WAS INCARCERATED FEBRUARY 2015 AND DURING INTAKE AT HOWARD R. YOUNG CORRECTIONAL INSTITUTION, "H.R.Y.C.I." I WAS GIVEN THE NORMAL REVIEW AND MEDICAL TESTS AND...

i. OUTSIDE OF MY DIET, I HAD NO MEDICAL ISSUES. MOREOVER...

a). TB TESTS WERE ALL NEGATIVE

2. LATE 2015 - NOVEMBER / DECEMBER, I BEGAN TO GET SICK. SWEATING, COUGHING, CHILLS, TROUBLE BREATHING, LOSS OF APPETITE... GOING BACK AND FORTH TO MEDICAL. NONE OF THE TREATMENTS HELPED ME GET BETTER...

i. I WAS GIVEN CHEST X-RAYS BY DEFENDANT JOHAI DOE AND SUPPOSEDLY NOTHING WAS REVEALED

ii. TB TESTS IN FEB. 2015 WERE ALL NEGATIVE AND NOT READMINISTERED

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Who did
what?

3. I WAS PUT IN THE INFIRMARY AT H.R.Y.C.I., WHERE IT SEEMED AS IF I WAS GETTING BETTER AND I WAS RELEASED BACK INTO POPULATION.
i. I STILL HAD ISSUES BREATHING, AND APPETITE, AND CHILLS AND I WAS AGAIN COMPLAINING IMMEDIATELY... HOWEVER:
a). I DO NOT REMEMBER THE DOCTOR NOR THE NURSES THAT WERE TREATING ME EXCEPT FOR NURSE PRACTITIONER "CARLA COOPER"
4. IN NOVEMBER 2016 I WAS TRANSFERRED TO JAMES T. VAUGHAN CORRECTIONAL CENTER WHERE:
i. I EXPLAINED TO INTAKE NURSE MY ISSUES ...
ii. SHE GAVE ME THE NECESSARY INTAKE REVIEW OF:
a). TB TEST
b). TRIAGE
c). EXPLAINED SICK CALL PROCESS
5. I WAS PUT IN D-BLAD WHERE NURSE DIANE KABUKA WAS SHOWN MY ARM WHICH WAS SEVERELY SWOLLEN AND IRRITATED FROM THE TB TESTS ... HOWEVER:
i. SHE TOLD ME IT WAS OKAY, I WAS ALRIGHT AND HAD NOTHING TO WORRY ABOUT.
6. I PROGRESSIVELY GOT WORSE, CHILLS, SWEATS, COUGHING, BREATHING ISSUES, WEIGHT LOSS, AND APPETITE AND FROM NOVEMBER 2016 INTO APRIL/MAY, 2017 I GOT WORSE.
7. I HAD SAID NURSE PRACTITIONER COOPER AGAIN AND SHE DID NOT DETECT I WAS REALLY REALLY SICK AND...
8. I ALSO SAID DR. MAZUR "INFECTIOUS DISEASE DOCTOR" WHO TOLD ME HE RECEIVED AN E-MAIL ABOUT MY X-RAYS FROM A YEAR AGO... AND HE NEEDED TO DO SOME TESTS... HOWEVER:
i. I EXPLAINED TO DR. MAZUR THE ISSUE ABOUT MY ARM AFTER THE TB TEST AND ...
a). LIKE NURSE KABUKA AND NURSE PRACTITIONER COOPER, HE TOLD ME IT WAS NOTHING TO WORRY ABOUT.

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Was anyone
else
involved?

9. I WAS CONSTANTLY GETTING WORSE AND NONE OF THE TREATMENTS WERE WORKING. AND...
10. IT IS NOTED IN DECEMBER 2016 AN OUTBREAK OF TB HAD BEEN DISCOVERED AT H.R.V.C.I. AND...
11. FINALLY IN APRIL 2017 IT WAS DISCOVERED I HAD NO BREATHING SOUND ON MY RIGHT SIDE. AND:
 - i. I WAS CHECKED BY NURSE UENON who HAD ME RUSHED TO THE OUTSIDE HOSPITAL "BAY HEATH - QUER DE" WHERE:
 - a). IT WAS DISCOVERED MY RIGHT LUNG WAS COLLAPSED AND I HAD BEEN IN NEED OF SERIOUS MEDICAL ATTENTION...
 - b). THAT I HAD A SEVERE CASE OF TB THAT HAD CAUSED A HOLE IN MY RIGHT LUNG DUE TO LACK OF TIMELY DIAGNOSIS AND TREATMENT
12. I WAS IN THE OUTSIDE HOSPITAL 3 MONTHS, WHERE:
 - i. I WAS DIAGNOSED WITH SEVERE TB...
 - ii. MY RIGHT LUNG WAS TAKEN OUT TO SAVE MY LIFE.
 - iii. I WAS PUT ON A STRICT REGIMINE OF MEDICATION AND
 - d). TRANSFERRED BACK TO PRISON.
13. IN THE PRISON INFIRMARY 2 MONTHS AND
14. I HAD TO HAVE A SECOND OPERATION DUE TO INFECTION...
15. I AM ALWAYS DEPRESSED NOW AND I STILL CAN NOT UNDERSTAND WHY DEFENDANT MATTHEW WOFFORD DID NOT ASSURE HIS MEDICAL STAFF ARE PROPERLY TRAINED TO NOTICE, DIAGNOSIS AND TREAT THE OBVIOUS SYMPTOMS OF TB!
16. I WROTE DEFENDANT ANDREW LOD, AND QUESTIONED THE TRAINING OF HIS STAFF... NURSE KABUKA... PRACTITIONER COOPER... AND INFECTIOUS DISEASE DOCTOR, DR. MAZURE, COULD NOT HAVE NOTICED WHAT THE MEDICAL ISSUE WAS...
17. I SUFFERED BRAVELY OVER 18 MONTHS DUE TO DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS!

18. NOTHING WAS DONE TO PROPERLY DIAGNOSE NOR TREAT THE PROGRESSIVE DISEASE OF TB. THE MEDICAL STAFF ARE SUPPOSEDLY TRAINED TO DETECT AND TREAT ME FOR MY AILMENTS!
19. I ALMOST LOST MY LIFE AND I DID LOSE MY SIGHT WHILE I ENDURED UNNECESSARY PAIN AND SUFFERING.

VI - ADMINISTRATIVE PROCEDURES

NOTE: IT IS ACKNOWLEDGED THAT ADMINISTRATIVE PROCEDURES MUST BE EXHAUSTED 42 U.S.C. § 1997(c)(1).

IS THERE GRIEVANCE PROCEDURE ☒ YES NO ☐
HAVE YOU EXHAUSTED GRIEVANCE PROCEDURE ☒ YES

NOTE: PLAINTIFF HAS ATTEMPTED TO EXHAUST GRIEVANCE PROCEDURES... AND... STILL IT IS FUTILE!

VII. RELIEF

- i. IN THE 8TH AMENDMENT CLAIMS OF DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL CARE... \$500,000 "FIVE HUNDRED THOUSAND"
- ii. IN THE 14TH AMENDMENT CLAIMS OF BREACH OF DUTY OWED OF ADEQUATE MEDICAL CARE... \$500,000 "FIVE HUNDRED THOUSAND"
- iii. FOR THE PAIN AND SUFFERING CAUSED \$500,000 "FIVE HUNDRED THOUSAND"
- iv. INJUNCTIVE RELIEF IN DEMANDING PROPER TRAINING...
- v. ATTORNEY FEES
- vi. PUNITIVE DAMAGES/IN FUTURE MEDICAL EXPENSES.

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has “on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. §1915(g).

☐ Yes ☒ No

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- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

N/A.

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IX. PLAINTIFF'S DECLARATION AND WARNING


Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Plaintiff must sign and date the complaint and provide prison identification number and prison address.

MARCH 30, 2018

Dated


Plaintiff's Signature

J. A. RANDALL

Printed Name (Last, First, MI)

00786081

Prison Identification #

J. V. C. 1181 PADDON Rd JMWANA DE 19977

Prison Address

City

State

Zip Code

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.